

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

706B0548

HOUSE ENGROSSED NO. **HB1142** - 2/14/98

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

Introduced by: Representatives Gabriel, Duxbury, Jorgensen, and Pederson (Gordon) and
Senators Morford, Drake, and Johnson (William)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the regulation of
2 telecommunication companies and telecommunication services.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. It is in the public interest and essential that local exchange telecommunication
5 companies over all of South Dakota continue to be viable providers of affordable local exchange
6 services. Local exchange telecommunication companies receive substantial revenue necessary
7 to support the exchange from a minority of their customers. Local exchange telecommunication
8 companies must be allowed to compete to keep their profitable customers in order to maintain
9 the viability of local exchanges.

10 Notwithstanding any other provisions of chapter 49-31, except section 3 of this Act, any
11 telecommunication company may grant any discounts, incentives, services, or other business
12 practices necessary to meet competition. Nothing in chapter 49-31 restricts or prevents
13 telecommunication companies from offering reduced prices and special terms and conditions for
14 this state, its existing instrumentalities and subdivisions, for the United States and for K through

1 12 schools accredited by the secretary of the Department of Education and Cultural Affairs.

2 Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any regulation of telecommunications service by the commission pursuant to chapters 49-13
5 and 49-31 shall be fair, reasonable, nondiscriminatory and applicable to all telecommunications
6 carriers providing service in the state. The commission shall establish, by rules promulgated
7 pursuant to chapter 1-26, quality of service standards.

8 Section 3. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Prices as of January 1, 1998, for residential and business local exchange service, both
11 recurring and nonrecurring, for a telecommunications company with more than two hundred
12 thousand retail access lines in the state may not be changed unless reduced by the company. The
13 provisions of § 49-31-4 and §§ 49-31-12 to 49-31-12.5, inclusive, do not apply to prices for
14 services regulated by this section.

15 Section 4. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 Dialing parity, as defined in 47 U.S.C. § 153 (15) as of January 1, 1998, for purposes of
18 intraLATA long distance telecommunications services, may not be implemented by order of the
19 commission until all providers of toll services are authorized to provide interLATA services
20 which originate in this state.

1 **BILL HISTORY**

- 2 1/20/98 First read in House and referred to State Affairs. H.J. 124
- 3 1/30/98 Scheduled for Committee hearing on this date.
- 4 1/30/98 State Affairs Deferred to another day.
- 5 2/4/98 Scheduled for Committee hearing on this date.
- 6 2/4/98 State Affairs Deferred to another day.
- 7 2/9/98 Scheduled for Committee hearing on this date.
- 8 2/11/98 State Affairs Hog Housed.
- 9 2/11/98 Scheduled for Committee hearing on this date.
- 10 2/11/98 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 575
- 11 2/12/98 House of Representatives Deferred to another day, AYES 62, NAYS 3. H.J. 634
- 12 2/13/98 Motion to Amend, Passed. H.J. 675
- 13 2/13/98 Motion to Amend, Passed. H.J. 675
- 14 2/13/98 House of Representatives Do Pass Amended, Passed, AYES 47, NAYS 19. H.J. 675